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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 v. )

10 BRUNO NEAL HARRIS, )

11 Defendant. )

Case No. CR09-178-JCC

**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED  
RELEASE**

12  
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on July 31,  
15 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by Susan Roe, and defendant was represented by Robert Gombiner. Also present  
17 was U.S. Probation Officer Carol Chavez. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on January 8, 2004 by the Honorable John C. Coughenour for  
20 Distribution of Cocaine Base. He received 70 months of imprisonment and three years of  
21 supervised release.

22 On May 25, 2007, Mr. Harris began a three-year term of supervised release in the District of  
23 Idaho. On August 28, 2007, his jurisdiction was transferred from the District of Idaho to the

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1 Eastern District of Washington.

2 On December 13, 2007, Mr. Harris was sentenced to serve six months in custody after  
3 admitting to the violations of failing to notify the probation officer of a change in residence,  
4 failing to complete substance abuse treatment as instructed, failing to submit to urine testing as  
5 directed, committing a crime while on supervision, leaving the judicial district without  
6 permission of the probation officer, and possessing a controlled substance while on supervision.

7 On January 29, 2009, Mr. Harris' supervision was accepted by the Western District of  
8 Washington. A violation report dated May 7, 2009 reports that Mr. Harris' April 23, 2009 urine  
9 sample showed the presence of cocaine in his system. On April 28, 2009, Mr. Harris admitted to  
10 using the drug. It was also reported that on April 21, 2009, Mr. Harris was contacted by the  
11 Bellingham Police Department in an area known for drug activity, which he failed to report to the  
12 probation officer. No action was recommended and approved by the District of Idaho. On June  
13 3, 2009, jurisdiction was transferred from the District of Idaho to the Western District of  
14 Washington.

15 PRESENTLY ALLEGED VIOLATIONS AND  
16 DEFENDANT'S ADMISSION OF THE VIOLATION

17 In a petition dated June 16, 2009 and a supplemental violation report dated July 6, 2009,  
18 U.S. Probation Officer Jerrod Akins alleged that defendant violated the following conditions of  
19 supervised release:

- 20 1. Consuming cocaine on or before May 4, 2009, in violation of standard condition No.  
21 7.
- 22 2. Consuming cocaine on or before May 17, 2009, in violation of standard condition  
23 No. 7.

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3. Consuming marijuana on or before June 17, 2009, in violation of standard condition No. 7.

4. Failing to report for drug testing as instructed on June 23, 2009, June 24, 2009, June 29, 2009, and June 30, 2009, in violation of the special condition that he participate in a program of drug/alcohol aftercare which may include urine testing.

5. Failing to report a change in residence, in violation of standard condition No. 6.

Defendant admitted the above violations, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing August 14, 2009 at 9:00 a.m. before District Judge John C. Coughenour.

## RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 30<sup>th</sup> day of July, 2009.

  
BRIAN A. TSUCHIDA  
United States Magistrate Judge